

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JACQUELYN DENISE SIMS )  
 )  
 ) NO. 3:08-1114  
v. ) JUDGE CAMPBELL  
 )  
MATTHEW WALKER )  
COMPREHENSIVE HEALTH FACILITY )

ORDER

Plaintiff has filed a document entitled "Notice of Nonsuit" (Docket No. 48) and a proposed Order (Docket No. 49). Plaintiff seeks to dismiss her action without prejudice pursuant to Fed. R. Civ. P. 41(a)(1). Defendant has filed an opposition to Plaintiff's Notice of Voluntary Dismissal (Docket No. 50).

Currently pending before this Court are Defendant's Motion to Dismiss (Docket No. 43) and Defendant's Motion for Summary Judgment (Docket No. 45). Plaintiff cannot avoid responding to the pending Motions by attempting to voluntarily dismiss her action.

Therefore, pursuant to Fed. R. Civ. P. 41(a)(2), the Court declines to sign Plaintiff's proposed Order or dismiss this action at this time.

IT IS SO ORDERED.

*Todd Campbell*  
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TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE